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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,159	01/28/2004	Alex Kuo-Shen Wang	1211050	4641

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PRO-TECHTOR INTERNATIONAL
20775 Norada Court
Saratoga, CA 95070-3018

EXAMINER

MARTIN, LAURA E

ART UNIT	PAPER NUMBER
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2853

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/767,159

Applicant(s)

WANG, ALEX KUO-SHEN

Examiner

Laura E. Martin

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ujita et al. (US 5583549) in view of Quingguo et al. (EP 1270235) and Hilton (US 6276788).

Ujita et al. discloses:

As per claim 1: an ink jet printer ink cartridge comprising: an ink cartridge body having an ink receptacle (figure 2, element 303), a top cover (figure 2, on top of 303); a strainer (figure 5, element 308); a spring (figure 5, element 312) and a rubber washer (figure 5, element 307); a strainer support elevated from a bottom of the ink receptacle by a retaining wall (figure 6, element 322) with a recess below said strainer adapted to receive said spring (figure 5, element 312), being further adapted to connect a nozzle area (figure 6, element 323) of a printer; wherein ink can be refilled into the ink receptacle of the ink cartridge body (column 15, lines 15-37).

As per claim 2: the strainer (figure 5, element 308) is supported by a retaining wall (figure 5, element 322), such that when ink level within the ink receptacle is lower than the level of the strainer, the retaining wall helps prevent the ink from leaking out (figure 6, ink and porous material is slightly lower than the mesh; however, the retaining wall will prevent leakage, as shown in other embodiments, figures 15, 18, and 31)

Ujita et al. does not disclose:

As per claim 1: a plastic ink receptacle; a recess with a spring and rubber washer; and an equilibration tube configured within said ink receptacle of said ink cartridge body having an opening at the bottom thereof for fluid communication with said ink receptacle and a passage at the top of the equilibration tube in fluid communication with the atmosphere external to the ink receptacle.

As per claim 3: the equilibration tube can be additionally peripherally configured with an inner tube and an outer tube, whereby an air hole is formed between the inner tube and the outer tube, and the air hole realizes a mutual passage with the equilibration tube.

As per claim 4: said recess in said strainer support is further adapted to receive the refill ink injected into the ink receptacle by means of an ink filling instrument and which refill ink is continually injected until the ink approaches a refill line, whereupon refilling is stopped.

Quingguo et al. discloses:

As per claim 1: an equilibration tube configured (figure 9, element 414) within said ink receptacle of said ink cartridge body having an opening at the bottom thereof for fluid communication with said ink receptacle and a passage at the top of the equilibration tube in fluid communication with the atmosphere external to the ink receptacle.

As per claim 4: said recess in said strainer support is further adapted to receive the refill ink injected into the ink receptacle by means of an ink filling instrument and

which refill ink is continually injected until the ink approaches a refill line, whereupon refilling is stopped [0018].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the ink cartridge taught by Ujita et al. with the disclosure of Quingguo et al. in order to reduce pressure buildup within the cartridge and to reduce ink leakage.

Hilton discloses:

As per claim 1: a plastic ink receptacle (column 5, lines 12-34) and a recess with a spring (figure 2, element 44) and rubber washer (figure 2, element 66).

As per claim 3: the equilibration tube can be additionally peripherally configured with an inner tube (figure 4, elements 56, 64) and an outer tube (figure 6, element 104 – end injected into ink bag), whereby an air hole is formed between the inner tube and the outer tube, and the air hole realizes a mutual passage with the equilibration tube (air will be built up between them, as there is a recess between the cap (a tube) and the outer tube, in which air can reside).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the ink cartridge taught by Ujita et al. with the disclosure of Hilton in order to prevent leaking and create a study container.

Response to Arguments

Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura E. Martin whose telephone number is (571) 272-2160. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laura E. Martin



STEPHEN MEIER
SUPERVISORY PATENT EXAMINER